

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CYBERGUN S.A., *et. al.*,

Plaintiffs,

V.

JAG PRECISION,

Defendant.

Case No. 2:12-CV-0074-KJD-GWF

ORDER

Presently before the Court is Plaintiffs' Motion for Preliminary Injunction (#33). Shortly before briefing commenced, the Ninth Circuit Court of Appeals issued a published opinion in the case Secalt S.A. v. Wuxi Shenxi Constr. Mach. Co., 668 F.3d 677 (9th Cir. 2012) which addressed some of the legal issues at the forefront of the present action, primarily trade dress protection and functionality. However, neither party addressed the Secalt case which originated in this judicial district. Accordingly, the parties are ordered to address the relevance of Secalt to their positions in this litigation. Defendant shall file a supplemental brief within fourteen (14) days of the entry of this order. Plaintiffs shall then file a reply to Defendant's supplement within fourteen (14) days.

IT IS SO ORDERED.

DATED this 11th day of July 2012.

Kendall

Kent J. Dawson
United States District Judge